



**CITY COUNCIL
MEETING MINUTES
November 11, 2021**

I) CALL TO ORDER/ROLL CALL

City Council members present include Frank Bertone, Jon C Bennehoof, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins, Dan Swartwout. Also present were Andrew D White, City Manger; Yazan S Ashrawi Esq., Law Director; Jeffrey Tyler, Assistant City Manager / Community Development Director; Buddy Caplinger, Public Services Director; Claudia Husak, Planning Director; Jason Nahvi, HR Business Partner; Melissa Hindman, Parks and Recreation Manager; and Elise Schellin, Development Planner.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

IV) APPROVAL OF MINUTES

a. Approval of November 3, 2021 City Council Meeting Minutes
[11032021 Council Minutes.pdf](#)

MOTION: Jon C Bennehoof moved to approve a.) Approval of November 3, 2021 City Council Meeting Minutes. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 1 (Dan Swartwout)

V) CONSENT AGENDA

a. October 2021 Department Reports

[Building_Oct2021.pdf](#)
[Communications_Oct2021.pdf](#)
[Development_Oct2021.pdf](#)
[Engineering_Oct2021.pdf](#)
[Finance_Oct2021.pdf](#)
[HR_Oct2021.pdf](#)
[Police_Oct2021.pdf](#)

b. Notice to Legislative Authority of a TREX Liquor Permit Transfer for OISHII Japanese Bistro

1. [Notice to Legislative Authority of a TREX Transfer of a D5 Permit_Memo.pdf](#)
2. [Exhibit A_8. Liberty TREX Permit.pdf](#)

MOTION: Jon C Bennehoof moved to approve V) CONSENT AGENDA. Tom Counts seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

VI) RESOLUTIONS

a. RESOLUTION 2021-19: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO SMITH FARM AT CARPENTERS MILL SUBDIVISION, SECTION 3, PHASE A, AS THE SAME IS DELINEATED UPTON THE PLATS THEREOF RECORDED IN O.R. 1866, PAGES 771-772, DELAWARE COUNTY, OHIO RECORDS.

1. Res. 2021-19_Memo.pdf
2. Res. 2021-19_Resolution.pdf
3. Res. 2021-19_Exhibit A.pdf

Mr. White introduced the legislation. Staff is recommending acceptance.

There was no Council comment. Mayor Bertone opened the item to public comment, and hearing none, public comment was closed.

MOTION: Jon C Bennehoof moved to approve a.) RESOLUTION 2021-19: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO SMITH FARM AT CARPENTERS MILL SUBDIVISION, SECTION 3, PHASE A, AS THE SAME IS DELINEATED UPTON THE PLATS THEREOF RECORDED IN O.R. 1866, PAGES 771-772, DELAWARE COUNTY, OHIO RECORDS. Dan Swartwout seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

b. RESOLUTION 2021-23: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION TERMINATING ON DECEMBER 31, 2025.

1. Res. 2021-23_Memo.pdf
2. Res. 2021-23_resolution.pdf

Mr. White introduced the legislation. Openings for the Planning and Zoning Commission have come up with three Commission member terms up at the end of the year. Interviews were conducted with Council for potential new members. Three members as identified by Council are now ready to be appointed to new terms. The legislation is left blank pending that distinction.

Mayor Bertone stated Council interviewed a number of candidates and Ferzan Ahmed, Ryan Herchenroether, and Shaun Simpson were identified to serve the new term. He asked Mr. Nahvi to confirm if he recalled the same. Mr. Nahvi said yes. There was no additional Council comment.

Mayor Bertone opened the item for public comment, and hearing none, the public comment portion was closed.

Mayor Bertone stated the resolution will need to be revised to incorporate the identified names.

MOTION: Jon C Bennehoof moved to amend b.) RESOLUTION 2021-23: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION TERMINATING ON DECEMBER 31, 2025 to add names of identified Commission members. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

MOTION: Jon C Bennehoof moved to approve b.) RESOLUTION 2021-23: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION TERMINATING ON DECEMBER 31, 2025.. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

c. RESOLUTION 2021-24: A RESOLUTION APPROVING AND Authorizing THE CITY MANAGER TO CONSENT TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY ("AUTHORITY") ISSUANCE OF INDEBTEDNESS

1. [Res. 2021-24_Memo.pdf](#)
2. [Res. 2021-24_Resolution.pdf](#)

Mr. White introduced the legislation. In the spring when the City did our refinancing the Liberty and Powell CIFA both invested additional principal to reduce term and cost out of pocket, there was an over payment that did not include the timing of the funds. Pursuant to the terms and conditions of the agreement, the City is obligated to make this payment on December 1, so this action is necessary for the payment to be made to City. Failure to do so would result in a penalty of 5% interest rate.

Councilman Counts asked when repayment is expected to happen. Mr. White stated he expects to be fully reimbursed in the first quarter of next year. Going into the end of 2022 and again in 2023 this will be routine while they make these catch up payments. He expects to see this again for consent again next year and the year after.

Mayor Bertone opened the item for public comment, and hearing none, the public comment portion was closed.

MOTION: Jon C Bennehoof moved to approve c.) RESOLUTION 2021-24: A RESOLUTION APPROVING AND Authorizing THE CITY MANAGER TO CONSENT TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY ("AUTHORITY") ISSUANCE OF INDEBTEDNESS. Tom Counts seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

VII) ORDINANCES: FIRST READING(S)

a. ORDINANCE 2021-30: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL

1. [Ord. 2021-30_Memo.pdf](#)
2. [Ord. 2021-30_Ordinance.pdf](#)
3. [Ord. 2021-30_Exhibit A_Proposed 2022 Fee Schedule.pdf](#)
4. [Ord. 2021-30_Exhibit A_Proposed 2022 Fee Schedule_TrackChanges.pdf](#)

Mr. White introduced the legislation. The Council packet includes a red-lined version of the edits, and a clean copy of the changes to the Fee Schedule. The changes are fairly standard. We did make some changes based on input from the committee as to the timing of some of the field usage back to the traditional 45 minutes or 90 minutes. Another item to note was the change in fees for development to address the changed land value assessment from the County. The Fee Schedule was reviewed by Finance Committee and it is before Council tonight as a first reading and Staff recommends adoption at the December 7 meeting.

Mayor Bertone opened the item to public comment, and hearing none, public comment was closed.

b. ORDINANCE 2021-33: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022.

1. [Ord. 2021-33_Memo.pdf](#)
2. [Ord. 2021-33_Ordinance.pdf](#)

Mr. White introduced the legislation. He pointed out that this is a working document, and City recently hired a new Finance Director who will begin employment at the end of November. Staff has spent a lot of time looking at high level executive reports for the budget, which are all available within the line item budget. Mr. White stated the purpose of the first reading is to go through a high level presentation of the budget and answer and questions before the second reading. He presented PowerPoint slides with the budget highlights. He offered to meet with Council members individually to discuss the budget document in more detail.

Councilman Counts added that a budget is a planning document, and a lot of planning will be happening next year. This budget is the beginning, but it will continue to be tweaked. As we continue to plan and plot things we want to do, we will add those things, but most importantly our residents need to know that we will be watching this like a hawk because we do not know what our revenues will be, our expenditures are going to be changing, and we just need to make sure that we don't get ahead of ourselves.

Mayor Bertone opened this item for public comment, and hearing none, public comment was closed.

This item will be reviewed as a second reading on December 7.

VIII) COMMITTEE REPORTS

IX) CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White stated the administration would request an executive session to be added to tonight's agenda to discuss employment and compensation; he introduced Melissa Hindman, the City's

new Parks and Recreation Manager; he updated City Council that the Clerk position would be filled by the next Council meeting, and thanked Staff for their help up to that point; and he discussed the infrastructure bill and asked Council to consider shovel ready projects and investments in design work to put ourselves in a position to compete for these dollars.

X) OTHER COUNCIL MATTERS

Councilman Bennehoof mentioned that a signalized crosswalk is a really important safety feature to consider on SR750 west of the railroad tracks. He also discussed the Veteran's Day Ceremony and asked for Council to consider using \$100 from the contingency fund for Council to donate a veteran brick to the ceremony's speaker each year.

XI) EXECUTIVE SESSION

Mayor Bertone stated there is a request for an executive session tonight, which will be added to the agenda pursuant to O.R.C. Section 121.22(g)(1) to discuss employment and compensation.

MOTION: Brian Lorenz moved at 8:06 P.M. to enter into executive session. Jon C Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

MOTION: Jon C Bennehoof moved at 8:20 P.M. to enter back into public session. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

XII) ADJOURNMENT

MOTION: Jon C Bennehoof moved to adjourn the meeting at 8:21 P.M. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

MINUTES APPROVED: December 7, 2021

Frank Bertone, Date
Mayor

Amy Deere Date
City Clerk